

MAY 18 2016

CLERK OF THE SUPERIOR COURT
By Xian-Xii Bowie

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

CENTER FOR BIOLOGICAL DIVERSITY
AND SIERRA CLUB,

Plaintiffs/Petitioners,

v.

CALIFORNIA DEPARTMENT OF
CONSERVATION, DIVISION OF OIL, GAS,
AND GEOTHERMAL RESOURCES, et al.,

Defendants/Respondents,

AERA ENERGY LLC, et al.,

Respondents-in-Intervention, and

WESTERN STATES PETROLEUM
ASSOCIATION, et al.,

Respondents-in-Intervention.

Case No. RG15769302

ASSIGNED FOR ALL PURPOSES TO
JUDGE GEORGE C. HERNANDEZ, JR.
DEPARTMENT 17

**PLAINTIFFS/PETITIONERS'
NOTICE OF MOTION AND MOTION
FOR ISSUANCE OF WRIT**

Date: July 15, 2016
Time: 8:30 a.m.
Dept: 17

Action Filed: May 7, 2015
Hearing Date: July 15, 2016

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NOTICE OF MOTION AND MOTION

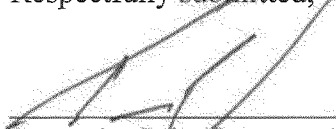
TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 15, 2016, at 8:30 a.m., or as soon thereafter as counsel can be heard, in Department 17 of the Alameda County Superior Court, located at 1221 Oak Street, Oakland, CA 94612, Petitioners Center for Biological Diversity and Sierra Club will and hereby move for issuance of a writ of mandate pursuant to Code of Civil Procedure sections 1085 and 1086. As set forth in their Complaint and Petition for Writ of Mandate, Petitioners seek a writ of mandate ordering Respondent California Department of Conservation, Division of Oil, Gas, and Geothermal Resources ("DOGGR") to take all actions necessary and available to it to immediately meet its nondiscretionary duty to prohibit illegal injection by Class II injection wells into protected aquifers, including invalidation of emergency regulations issued by DOGGR and the rescission of unlawfully issued permits. The writ must be issued on the grounds that, *inter alia*, DOGGR has failed to meet its nondiscretionary duties under the Safe Drinking Water Act (42 U.S.C. § 300h et seq.), DOGGR's Memorandum of Agreement with the EPA (see 40 C.F.R. § 147.250), state and federal regulations prohibiting injections into protected underground sources of drinking water, and other relevant legal authorities, as discussed in the attached Memorandum of Points and Authorities.

This Motion is based on the attached Memorandum of Points and Authorities, accompanying Motion to Augment the Administrative Record and/or Consider Extra-Record Evidence, declarations and exhibits and items judicially noticed, the Administrative Record lodged with the Court in this action, the Complaint and Petition for Writ of Mandate filed May 7, 2015, and on all other papers, filings, and oral arguments recorded in this action.

DATED: May 18, 2016

Respectfully submitted,



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